

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

RICHARD J. HARLEY,

Defendant

No. 3:CR-12-00224

Honorable A. Richard Caputo

**MOTION OF DEFENDANT, RICHARD J. HARLEY, FOR
APPOINTMENT OF EXPERT**

1. The United States has provided the Defendant with extensive document and electronic discovery.
2. CJA Defense counsel, Joseph O'Brien, is a partner in the law firm of Oliver, Price & Rhodes in Clarks Summit, Pennsylvania.
3. Two (2) non-lawyer associates of the firm, Michael Shimko and Amanda Springer, have the education, experience and computer skills to review, listen to and summarize the extensive discovery provided in this case.

4. Oliver, Price & Rhodes would charge \$40.00 per hour for their services which is far less than the hourly rate paid to CJA counsel should counsel himself be required to perform an initial review all of the discovery.

5. From an initial review of the materials, it appears to counsel that it would take approximately sixty (60) hours to review, listen to, and summarize the discovery.

6. Authorizing the review of discovery by Oliver, Price & Rhodes associates would produce a substantial savings to the United States and the Criminal Justice Act Program.

7. Defense counsel, Joseph O'Brien, has discussed this issue with Melinda Gilardi with the Federal Public Defender's Office and with Gary Hollinger of the United States District Court Clerk's Office. Both approve of this request as a concept, but have indicated that court approval must be obtained.

8. By reason of the above, Defendant requests that defense counsel be authorized to use the services of Michael Shimko and Amanda Springer of Oliver, Price & Rhodes to review, listen to and summarize the extensive discovery provided to in this matter and that the firm is authorized to charge \$40.00 per hour for their services.

9. Defense counsel agrees that the total cost involved will not exceed \$2,400.00 without prior approval of the court.

Respectfully submitted,
OLIVER, PRICE & RHODES

/s/Joseph A. O'Brien
Joseph A. O'Brien, Esquire
Attorney for Defendant, Richard J. Harley
Attorney I.D. No.: 22103
1212 South Abington Road
Clarks Summit, PA 18411
Tel: (570) 585-1200
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CERTIFICATE OF SERVICE

I, **Joseph A. O'Brien, Esquire**, of Oliver, Price & Rhodes, hereby certify that on this date, I caused the foregoing MOTION OF DEFENDANT, RICHARD J. HARLEY, TO HIRE AN EXPERT to be filed via the Court's ECF system. I certify that the following participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system:

Bruce D. Bandler, Esquire
U.S. Attorney's Office
228 Walnut Street
Harrisburg, PA 17108

Respectfully submitted,
OLIVER, PRICE & RHODES

/s/Joseph A. O'Brien

Joseph A. O'Brien, Esquire
Attorney for Defendant, Richard J. Harley
Attorney I.D. No.: 22103
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Clarks Summit, PA 18411
Tel: (570) 585-1200
Fax: (570) 585-5100
Email: jaob@oprlaw.com

CERTIFICATE

I hereby certify that the United States Attorney does not take a position with respect to this motion.

/s/ Joseph A. O'Brien, Esquire
Joseph A. O'Brien, Esquire

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ORDER

NOW, the ____ day of _____ 2014, the Motion of the Defendant, Richard J. Harley, for Appointment of Expert is granted. Defendant, through his counsel, is authorized to utilize non-lawyer associates of Oliver, Price & Rhodes to review, listen to and summarize the written and electronic discovery in this case. The firm shall be paid forty dollars (\$40.00) an hour for its services. The total costs shall not exceed two thousand four hundred dollars (\$2,400.00) without further authorization from the Court.

A. Richard Caputo
United States Judge